

REMARKS

Claims 37-85 remain pending in the present application. Reconsideration of the application is respectfully requested.

Claims 37-85 were rejected under 35 U.S.C. § 112 for failing to comply with the written description. More particularly, the Examiner asserts that the use of "element" rather than "component" is confusing. Accordingly, claims 37, 44, 51, 52, 53, 62, 66, 77 and 82-84 have been amended as per the Examiner's suggestion.

Claims 37-50, 53, 54, 56-76 and 78-85 were rejected under 35 U.S.C. § 193(a) as obvious over Robinson et al (USPN 5,891,193) in view of Mayer (USPN 5,824,077). Both references are clearly directed to a **self-expanding** stent wherein an expanded lumen supporting configuration is achieved exclusively by elastic expansion. The Examiner asserts that since the elements of the primary reference were initially bent, i.e. plastically deformed, into the shape of the stent, the finished stent can further be plastically deformed to assume the expanded state of the stent. Applicant respectfully traverses. While it may ultimately be possible to plastically deform the stent described in the cited reference to a diameter suitable to hold open a coronary artery, there is no suggestion that such plastic deformation can be achieved within the confines of the coronary artery as required by the claims. Moreover in view of the described elasticity of the compositions and therefore, their suitability for self-expanding stent applications, the implication is that a stent formed therefrom could merely return to its delivery diameter after deflation of the delivery balloon. There is no suggestion that the claimed composition can be plastically deformed to a diameter suitable to hold open a coronary artery by its expansion within such artery. It is respectfully submitted that the suitability of a composition for a balloon expandable stent application is not expected of a composition that is taught as being suitable for self-expanding stent applications and that obviousness is therefore effectively avoided.

Claims 51 and 52 were rejected under 35 U.S.C. § 103 as obvious over Robinson et al in view of Mayer and further in view of Hillstead (USPN 4,856,516) or Tower (USPN 5,217,483). It is respectfully submitted that in view of the non-obviousness of the underlying independent claims as set forth above, all claims depending therefrom similarly avoid obviousness.

Claims 55 and 77 were rejected under 35 U.S.C. § 103(a) as obvious over Robinson et al in view of Mayer and further in view of Bokros (USPN 4,300,244). It is respectfully submitted that in view of the non-obviousness of the underlying independent claims as set forth above, all claims depending therefrom similarly avoid obviousness.

In light of the above amendments and remarks, Applicant earnestly believes the application to be in condition for allowance and respectfully requests that it be passed to issue.

The commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,
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